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8 UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 JUSTIN REESE, STEVEN COX, MICAH
12 WITTENBORN and SHELBY BALL, on
behalf of themselves and all others similarly
situated,

13 Plaintiffs,

14 v.

15 DYCOM INDUSTRIES, INC., a Florida
16 corporation; PRINCE TELECOM, LLC, a
Delaware limited liability company, f/k/a
PRINCE TELECOM, INC.,

17 Defendants.
18

CLASS ACTION

NO. C09-0606 MJP

STIPULATION AND ORDER
REGARDING FILING OF THIRD
AMENDED COMPLAINT

19 **STIPULATION**

20 WHEREAS the alleged conduct of Defendants Dycom Industries, Inc. and Prince
21 Telecom, LLC (“Defendants”) gives rise to claims under the Fair Labor Standards Act, 29
22 U.S.C. §§ 201-219, and such claims are based on the same facts supporting many of the other
23 allegations in Plaintiffs’ Second Amended Class Action Complaint for Damages and
24 Restitution;

25 WHEREAS it is more efficient to resolve these claims in the context of this litigation
26 than in subsequent litigation;

THEREFORE, IT IS HEREBY STIPULATED by and between the attorneys for Plaintiffs and Defendants, subject to approval by the Court, that:

1. On or before December 15, 2009, Plaintiffs shall file their Third Amended Class Action Complaint, in the form attached as Exhibit A.

2. Pursuant to Federal Rule of Civil Procedure 15(a)(2), Defendants consent to the filing of Plaintiffs' Third Amended Class Action Complaint.

Dated this 8th day of December, 2009.

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Attorneys for Plaintiffs

ORDER

THIS MATTER having come before the Court on the stipulation of the parties, the Court GRANTS the stipulated relief requested. Plaintiffs shall file their Third Amended Class Action Complaint by December 15, 2009.

IT IS SO ORDERED.

Dated this _9th_ day of December, 2009.



Marsha J. Pechman
United States District Judge

Presented by:

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CERTIFICATE OF SERVICE

I, Toby J. Marshall, hereby certify that on December 9, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Attorney for Defendants

Co-counsel for Plaintiffs

DATED this 9th day of December, 2009.

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